

Serial No. 09/30,734
Filing date August 15, 2001
Group Art Unit: 1624

REMARKS

Claims 2, 12, 15-19, 22-27, 29-50, 52, and 54 have been cancelled without prejudice to the filing of continuing applications. Claims 10, 11, 20, 21, 28, and 51 were cancelled previously. Claims 1, 3, 8, 9, and 13 have been amended. New claims 68 and 69 have been added. The amendments are fully supported by the specification as originally filed. See, for example, original claim 1, in particular the definitions of R^2 and R^3 , A, R^8 and Z. Further, new claims 68 and 69 are supported by original claims 10-11. With these amendments, the claims pending are 1, 3-9, 13, 14, 53, and 55-69.

The claims stand rejected under §§102 and 103 over Tanaka et al., and Muller et al. Applicant respectfully submits that the amended claims overcome the rejections based on the cited references. As amended, the claims contain the limitations of original claim 1 in which R^2 and R^3 are taken together and represent a group of the formula $-\text{CH}=\text{A}-\text{CH}=\text{CH}-$, A is CR^8 , and R^8 is $-(\text{C}_0-\text{C}_6 \text{ alkyl})-\text{Z}$ where Z represents hydrogen or alkyl. In other words, the claims are limited to compounds having a hydroxy, alkoxy, hydroxy alkyl or alkoxyalkyl substituent in the 6-position of the pyrimidino[4,5-b]indole ring system. Neither Muller nor Tanaka disclose or suggest such compounds. As a

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result, the references do not anticipate or render obvious the amended claims. The new claims overcome the rejections based on §§102 and 103. Applicant respect request the Examiner to reconsider and withdraw the rejections.

Allowance of the pending claims and passage of the case to issue are respectfully solicited. Should a discussion of this matter appear helpful, the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

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